

50



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/982,457 | 10/17/2001 | Johnson Jiahui Qin | CSCO-117728 | 7400 |

7590 08/15/2005

WAGNER, MURABITO & HAO LLP
 Third Floor
 Two North Market Street
 San Jose, CA 95113

EXAMINER

REILLY, SEAN M

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2153

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 09/982,457 | Applicant(s) QIN, JOHNSON JIAHUI | |
| | Examiner Sean Reilly | Art Unit 2153 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Handwritten mark

DETAILED ACTION

This Office action is in response to Applicant's amendment and request for reconsideration filed on 5/16/05. Claims 1-34 are presented for further examination. All independent claims have been amended.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter et al. (U.S. Patent Number 5,892,900; hereinafter Ginter) and Srivastava et al. (U.S. Patent Number 6,845,499; hereinafter Srivastava).
2. Regarding claim 1, Ginter disclosed an automated software distribution method comprising: receiving a request to access a software distribution system (Col 315, lines 42-43); determining if the requester is a registered user (inherent for authenticating the user; Col 315, lines 43-50); determining if a user has authorization (along with the user authentication the transaction must also be authorized; Col 316, lines 22-23) to perform commercial scaleable software distribution framework activity (obtaining content; i.e. downloading a software program; Col 316, lines 6-7); performing an internal process associated with a scaleable software distribution framework and

Art Unit: 2153

object model (software download transaction; Col 316, lines 6-34) in which objects are linked together (e.g. within a container, Col 134, lines 10-67) if said user is authorized; and performing a scaleable software distribution system commerce transaction if authorized (Col 316, lines 22-23 and line 32-34).

Although Ginter disclosed the invention substantially as claimed, Ginter failed to specifically *recite* that objects are linked together by *unique* object identifiers. Nevertheless, it was well known in the art at the time of the invention to link objects together using unique identifiers, as evidenced by Srivastava. In an analogous art, Srivastava disclosed a software distribution system where objects (documents) are uniquely identified (Col 9, lines 65-67) and linked together (Col 10, lines 58-64). Srivastava further disclosed that uniquely identifying and linking objects together allows the relationships between objects to be readily determined (Col 10, lines 58-64). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Srivastava within Ginter's system, so the relationships between objects could be readily determined (Srivastava Col 10, lines 58-64).

3. Regarding claim 2, Ginter discloses notifying said requester that access is not granted (Col 58, line 36; Col 315, line 44).
4. Regarding claim 3, Ginter discloses the request is received from an internal user via an internal LAN (Col 168, lines 10-15).
5. Regarding claim 4, Ginter discloses the request is received from an external user via the internet (Col 315, lines 26-28).

Art Unit: 2153

6. Regarding claim 5, Ginter discloses the user is able to access an internal storage of software products (Col 315, lines 59-63).

7. Regarding claim 6, Ginter discloses an internal user is able to download software code, make changes and upload the modified code (Col 285, line 65 – Col 286 line 39; Col 320, lines 43-46).

8. Regarding claim 7, Ginter discloses the transaction is engaged in an electronic commerce environment (Col 1, lines 17-20).

9. Regarding claim 8, Ginter discloses a software transaction process is utilized (Col 316, lines 6-34).

10. Regarding claim 9, Ginter discloses an internal software publishing process comprising: receiving a request to engage in software image publishing activities (adding content to an object, publishing a new program would consist of adding content to an empty object, Col 285, line 66 – Col 286 line 6; an object may be a software program since Ginter discloses the system can distribute software products, Col 7, lines 48-54); engaging in a data population process (inherent for object storage) in accordance with a scaleable software distribution framework (figure 5b) and object model in which objects are linked together (e.g. within a container, Col 134, lines 10-67); checking a software distribution information to ensure the requester has authorization to engage in software image publication activities (each object has predefined object modification restrictions, Col 286, lines 7-33; including user restrictions, Col 286, lines 34-48); receiving requisite supervisory authorization to proceed with the publication (object modification restrictions Col 286, lines 7-48); and executing a software publication (“published

Art Unit: 2153

object”, Col 15, lines 52-57; objects added to the Ginter system are published based on the distribution restrictions specified).

Although Ginter disclosed the invention substantially as claimed, Ginter failed to specifically *recite* that objects are linked together by *unique* object identifiers. Nevertheless, it was well known in the art at the time of the invention to link objects together using unique identifiers, as evidenced by Srivastava. In an analogous art, Srivastava disclosed a software distribution system where objects (documents) are uniquely identified (Col 9, lines 65-67) and linked together (Col 10, lines 58-64). Srivastava further disclosed that uniquely identifying and linking objects together allows the relationships between objects to be readily determined (Col 10, lines 58-64). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Srivastava within Ginter’s system, so the relationships between objects could be readily determined (Srivastava Col 10, lines 58-64).

11. Regarding claim 10, Ginter discloses the request is received from a software engineer (author) that has built a software image ready for commercial release (Col 7, lines 48-57).

12. Regarding claim 11, Ginter discloses the data population process includes a software distribution framework (SWDF) Information Model, SWDF Product Model and SWDF Packaging Model (Figure 5B).

13. Regarding claim 12, Ginter discloses the SWDF packing model is completed by pulling data from a database that includes features that map a software image and software product code (Col 59, lines 28-36).

Art Unit: 2153

14. Regarding claim 13, Ginter discloses SWDF authorization information is checked to make sure the requester has appropriate role risibility to engage in image publishing (Col 286, lines 7-33).

15. Regarding claim 14, Ginter discloses a commercial transaction process with a scaleable software distribution framework (figure 5b) and object model in which objects are linked together (e.g. within a container, Col 134, lines 10-67) comprising: examining the commercial transaction rights of a requester (Col 316, lines 6-22); making a determination if the requester has entitlement to proceed with a commercial transaction (Col 316, lines 22-23); engaging in a commercial transaction entitlement process (Col 316, lines 6-34); investigating to determine if a Requester successfully completed a commercial transaction entitlement process (Col 316, lines 29-34); executing the Requested commercial transaction (Col 316, line 34).

Although Ginter disclosed the invention substantially as claimed, Ginter failed to specifically *recite* that objects are linked together by *unique* object identifiers. Nevertheless, it was well known in the art at the time of the invention to link objects together using unique identifiers, as evidenced by Srivastava. In an analogous art, Srivastava disclosed a software distribution system where objects (documents) are uniquely identified (Col 9, lines 65-67) and linked together (Col 10, lines 58-64). Srivastava further disclosed that uniquely identifying and linking objects together allows the relationships between objects to be readily determined (Col 10, lines 58-64). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Srivastava within Ginter's system, so the relationships between objects could be readily determined (Srivastava Col 10, lines 58-64).

Art Unit: 2153

16. Regarding claim 15, Ginter discloses the SWDF system stores information on the commercial transaction rights of external customers (Col 6, lines 43-67).

17. Regarding claim 16, Ginter discloses the SWDF system stores information the entitlements of external customers to engage in commercial transactions (Col 6, lines 43-67).

18. Regarding claim 17, Ginter discloses the SWDF Entitlement Information includes information on whether the customer has a service contract or paid money for the requested software product (Col 6, lines 43-67) and if the customer has entitlement (Col 316, line 22) to proceed the requested software product is downloaded (Col 316, line 34).

19. Regarding claim 18, Ginter discloses the commercial transaction process is an electronic commerce process (Col 1, lines 17-20).

20. Regarding claim 19, the Examiner takes Official Notice that it was well known in the art at the time of invention that industry standard software products sold comprise software image binary executables, readme information, installation instructions, product manuals, guide and software requirements, and software release note, and software licensing key. It would have been obvious to one of ordinary skill in the art at the time of invention to include software image binary executables, readme information, installation instructions, product manuals, guide and software requirements, and software release note, and software licensing key within a software product distributed using Ginter's distribution system, in order to meet software product industry standards at the time of invention.

21. Regarding claim 20, Ginter discloses an automated software distribution system comprising: a means for communicating information associated with an automated software distribution method (Figure 8, Component 666); a means for processing said information associated with an

Art Unit: 2153

automated software distribution method (Figure 8, Component 654); and a means for storing and tracking said information associated with an automated software distribution method (Figure 8, Component 652) with a scaleable software distribution framework (figure 5b) and object model in which objects are linked together (e.g. within a container, Col 134, lines 10-67).

22. Regarding claims 21, Ginter discloses the information associated with an automated software distribution method is organized in accordance with software distribution framework (SWDF) modules that manage the software distribution information and activities in accordance with SWDF models (Figure 5A and 5B; Col 59 lines 8-15; Col 59, lines 36-61).

23. Regarding claim 22, Ginter disclosed discloses the information associated with an automated software distribution method is organized in accordance with software distribution framework (SWDF) database, wherein SWDF database schema components are configured in accordance with four categories comprising regular database tables, composite link database tables, associating link database tables and runtime information query components (Figure 5A and 5B; Col 59 lines 8-15; Col 59, lines 36-61).

24. Regarding claim 23, Ginter discloses the information associated with an automated software distribution method is tracked and manipulated by means for indicating classes, attributes and operations (Figure 5A and 5B; Col 59 lines 8-15; Col 59, lines 36-61).

25. Regarding claim 24, Ginter discloses a means for manage different areas of framework information including user information, authorization information, software information, configuration information, commerce information, publication information, and distribution information (Figure 5A and 5B; Col 59 lines 8-15; Col 59, lines 36-61).

26. Regarding claim 25, Ginter discloses a link database table is a persistent storage for the relationship of two objects (Col 134, lines 8-67).

27. Regarding claim 26, Ginter discloses an automated software distribution apparatus comprising: a bus for communicating information associated with a n automated software distribution method (Figure 8, Component 653); a processor for processing said information associated with an automated software distribution method (Figure 8, Component 654); and a memory for storing and tracking said information associated with an automated software distribution method (Figure 8, Component 652) with a scaleable software distribution framework (figure 5b) and object model in which objects are linked together (e.g. within a container, Col 134, lines 10-67).

Although Ginter disclosed the invention substantially as claimed, Ginter failed to specifically *recite* that objects are linked together by *unique* object identifiers. Nevertheless, it was well known in the art at the time of the invention to link objects together using unique identifiers, as evidenced by Srivastava. In an analogous art, Srivastava disclosed a software distribution system where objects (documents) are uniquely identified (Col 9, lines 65-67) and linked together (Col 10, lines 58-64). Srivastava further disclosed that uniquely identifying and linking objects together allows the relationships between objects to be readily determined (Col 10, lines 58-64). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Srivastava within Ginter's system, so the relationships between objects could be readily determined (Srivastava Col 10, lines 58-64).

28. Regarding claim 27, Ginter discloses said bus is communicatively coupled to a communication network (Figure 8).

29. Regarding claim 28, Ginter discloses an automated software distribution method is implemented via said communications network (Col 315, lines 42-43).

30. Regarding claim 29, Srivastava disclosed an XML-based software distribution framework is utilized to enable automatic distribution of software over the Internet and WWW while coordinating, correlating and collecting information that assists software distribution management and maintenance activities (Col 11 line 60 – Col 12, line 16).

31. Regarding claim 30, Ginter discloses software images are publish based on software rights associated with a business rule/responsibility model and software products are distributed to customers based on commerce model (Col 4, lines 14-68).

32. Regarding claims 31-34, the limitations of claims 31-34 are similarly drawn to the limitations of claims 1 and 4-6, respectively. Hence, claims 31-34 are rejected using similar rationale.

Response to Arguments

33. Applicant's arguments are noted, however they are moot in view of the new grounds of rejection set forth.

Conclusion

34. The prior art made of record, in PTO-892 form, and not relied upon is considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

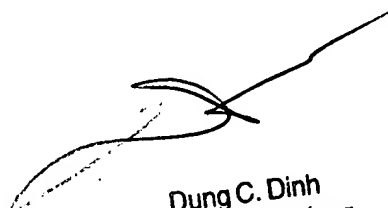
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Reilly whose telephone number is 571-272-4228. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



8/3/05



Dung C. Dinh
Primary Examiner